

## MINUTES – DECEMBER 5, 2011

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, December 5, 2011. Members present: Nathaniel Hall, Chairman, Kenneth D. Travis, Vice-Chairman, Erik D. Battle, William E. Carter, Jeremiah Jefferies, Cathy W. Lucas, and Gordon G. Satterfield. Also present: Kevin B. Howard, County Manager, Brian Ferrell, County Attorney, and Angela Evans representing The Caswell Messenger. Paula P. Seamster, Clerk to the Board, recorded the minutes.

### MOMENT OF SILENT PRAYER

Chairman Hall opened the meeting with a Moment of Silent Prayer.

### APPROVAL OF CONSENT AGENDA

Chairman Hall stated there was one change to the minutes of November 21, 2011 and that is that the date at the top needs to be changed to November 21, 2011. The date in the body of the minutes was correct.

Commissioner Jefferies moved, seconded by Commissioner Travis to approve the Agenda as amended. The motion carried unanimously.

The following item was included on the Consent Agenda:

#### A) Approval of Minutes of November 21, 2011 Regular Meeting

Chairman Hall stated that this meeting concluded his tenure of Chairman and he turned the meeting over to the Clerk to the Board.

### CALL TO ORDER OF ORGANIZATIONAL MEETING

Ms. Paula Seamster, Clerk to the Board, called to order the organizational meeting of the Caswell County Board of Commissioners.

### ELECTION OF CHAIRMAN

The Clerk to the Board opened the floor for nominations for Chairman of the Caswell County Board of Commissioners.

Commissioner Jefferies moved, seconded by Commissioner Battle to nominate Commissioner Hall for Chairman of the Caswell County Board of Commissioners.

Commissioner Satterfield moved to nominate Commissioner Carter for Chairman of the Caswell County Board of Commissioners.

Commissioner Jefferies moved, seconded by Commissioner Battle that nominations for Chairman be closed. The motion carried unanimously.

Upon a vote of the motion to nominate Commissioner Hall as Chairman of the Caswell County Board of Commissioners, the motion carried by a vote of five to two with Commissioners Lucas and Satterfield voting no.

The Clerk to the Board announced that Commissioner Hall has been elected Chairman of the Caswell County Board of Commissioners.

Chairman Hall thanked the Board.

Chairman Hall presided over the remainder of the meeting.

#### ELECTION OF VICE-CHAIRMAN

Chairman Hall opened the floor for nominations for Vice-Chairman of the Caswell County Board of Commissioners.

Commissioner Jefferies moved to nominate Commissioner Carter. Commissioner Travis moved to nominate Commissioner Lucas.

There were no further nominations.

Commissioner Carter received three votes and Commissioner Lucas received four votes. Commissioner Lucas was elected as Vice-Chairman of the Caswell County Board of Commissioners.

#### APPROVAL OF BONDS FOR PUBLIC OFFICIALS

Commissioner Travis moved, seconded by Commissioner Satterfield to approve the following Bonds for Public Officials. The motion carried unanimously.

#### BONDS FOR PUBLIC OFFICIALS

Register of Deeds	\$ 25,000
Tax Collector	\$ 50,000
Delinquent Tax Collector	\$ 25,000
Sheriff	\$ 25,000
Finance Officer	\$100,000
County Coroner	\$ 2,000
Blanket Bond	\$ 20,000

Commissioner Lucas asked if the Board was going to approve the Rules of Procedures for the Caswell County Board of Commissioners. Mr. Ferrell responded that the Board had already approved the Rules of Procedure. Commissioner Lucas stated that she would like to have the Board approve the Rules of Procedure at the next meeting. Chairman Hall responded that he did not think that the Board approved the Rules of Procedure every year but it would be added to the agenda for the next meeting.

### APPROVAL OF AGENDA

Commissioner Satterfield moved, seconded by Commissioner Lucas to amend the Agenda to add 9A to have a discussion with the Board of Education.

Chairman Hall asked what the purpose was to have a discussion. Commissioner Satterfield responded to address the map itself and to get the feelings of the Board of Education. Commissioner Satterfield stated that the Board stated they would meet with the Board of Education prior to deciding on a map. Chairman Hall responded that he did not recall saying that the Board would meet with the Board of Education prior to approving a map.

Upon a vote of the motion, the motion failed by a vote of three to four with Commissioners Battle, Hall, Jefferies and Travis voting no.

Commissioner Jefferies moved, seconded by Commissioner Travis to approve the Agenda as presented. The motion carried by a vote of four to three with Commissioners Carter, Lucas and Satterfield voting no.

### PUBLIC COMMENTS

Chairman Hall opened the floor for public comments.

Mr. Jeff White came before the Board and made the following statement.

Jeff White, 753 Kimbro Road, Blanch, NC. Mr. White stated that he came before the Board today to give them a letter that was written on September 13, 2011. He stated that he had been employed by the county since 2003. When he was hired he was an EMT and he went back to school to become a paramedic. When he finished his training he was told that there was not a position for him as a paramedic so he accepted a full time position with Rockingham County. He stated that he thought the county would want to keep a "home ground medic" in the county. He wanted the Board to be aware of the letter and what it stated.

Ms. June Dailey, Chair of the Caswell County School Board, came before the Board and made the following statement.

Ms. Dailey spoke on behalf of the Board of Education. She stated that when the Board of Education met with the Commissioners on August 27<sup>th</sup> she thought that both boards were trying to adopt a plan that would make the least amount of changes to the voting districts. She also

stated that the Board of Education had asked if the commissioners decided on a different plan to contact the Board of Education. Ms. Dailey stated that the Board of Education had asked on several different occasions if the Commissioners had decided on a plan and was told no. Ms. Dailey continued by saying that she received a letter from the Chairman of the commissioners and that she had called the Chairman on Friday, December 2nd to discuss having a joint meeting on Monday, December 5<sup>th</sup> before the regular commissioners' meeting. Later in the day the Board's clerk called her to state that the meeting would not work due to the 48 hours notice policy. Ms. Dailey stated that the Board of Education had only received a small version of the map and asked the Board of Commissioners if this was all they had to adopt the map. Ms. Dailey continued by saying the map contained Voting Age Population totals only. She asked who gave the authority to base the maps on this information and added that this information would be in effect for 10 years. The voting ages would change every year. Ms. Dailey asked if this map had been reviewed by anyone else besides the group who drew it up. She continued by saying that the county would encounter a great expense by having two voting districts, one for the Board of Education and one for the County Commissioners. Ms. Dailey stated that the Board of Education has not submitted its plan to the Justice Department. Ms. Dailey asked what reaction the Justice Department would have to Caswell having two voting districts.

With no further public comments Chairman Hall declared Public Comments closed.

Commissioner Lucas asked if a motion would be allowed to amend the agenda. Chairman Hall responded that the agenda had already been approved and asked for what purpose. Commissioner Lucas stated it was for redistricting given the comments in Public Comments. Mr. Ferrell stated that a motion could be revisited at any time during a meeting but the motion must be made at the same meeting at which the original vote was taken and by a member who voted with the prevailing side.

### BOARD OF ELECTIONS

Commissioner Carter stated that he had spoken with the District Attorney last month regarding the courthouse. The District Attorney needed the Board of Elections to be moved. The DA needed the space for office space since he would be in Caswell full time.

Commissioner Carter moved, seconded by Commissioner Satterfield to move the Board of Elections into the old Senior Center building.

Commissioner Jefferies stated that he thought that decision had already been made. Chairman Hall responded by saying the Board had made a decision to move the Board of Elections to the old senior center building but at a later meeting the decision was reversed to leave them where they are now.

Commissioner Lucas asked if the commissioners had an opportunity to review the drawing provided by the Clerk of Court. She continued by saying that the Clerk of Court would be moving into the DA's office and that the DA's office would be moved downstairs.

Commissioner Lucas continued by stating her concerns were with the new detention center and the changes that would be made when that was completed. She did not know why there was

such a rush on the move. She also stated there were other capital needs and other expenses that needed to be addressed in the county. Commissioner Carter responded by saying the DA had requested this move because he is planning to have a full time office there.

Upon a vote of the motion to move the Board of Elections into the old senior center building, the motion carried by a vote of five to two with Commissioners Lucas and Travis voting no.

#### BOARD OF COMMISSIONERS 2012 MEETING DATES

Commissioner Jefferies moved, seconded by Commissioner Travis to approve the 2012 meeting dates. The motion carried unanimously.

#### **Board of Commissioners 2012 Meeting Dates**

Tuesday, January 3, 2012 (Holiday)  
Tuesday, January 17, 2012 (Holiday)  
Monday, February 6, 2012  
Monday, February 20, 2012  
Monday, March 5, 2012  
Monday, March 19, 2012  
Monday, April 2, 2012  
Monday, April 16, 2012  
Monday, May 7, 2012  
Monday, May 21, 2012  
Monday, June 4, 2012  
Monday, June 18, 2012  
Monday, July 2, 2012  
Monday, July 16, 2012  
Monday, August 6, 2012  
Monday, August 20, 2012  
Tuesday, September 4, 2012 (Holiday)  
Monday, September 17, 2012  
Monday, October 1, 2012  
Monday, October 15, 2012  
Monday, November 5, 2012  
Monday, November 19, 2012  
Monday, December 3, 2012  
Monday, December 17, 2012

#### DISCUSSION ON BOARDS AND COMMITTEES FOR COMMISSIONERS

Chairman Hall asked that this item be put off until the next meeting date.

## TOWN OF YANCEYVILLE MEETING DATES

Chairman Hall asked if any of the commissioners had talked with the clerk on meeting dates. Ms. Seamster responded that several of the commissioners had talked with her but she thought it would be best to wait until after the new council member had been sworn in. Ms. Seamster informed the Board that she would get with Mr. Haynes Brigman, Town Manager, to try to get some dates that the Yanceyville Town Council would be available.

## PERSONNEL HEARING

The clerk informed the Board that the employee's counsel had called with possible dates for the personnel hearing. The dates were December 12<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup>.

The Board decided on December 13<sup>th</sup> at 6:00 p.m.

## COUNTY MANAGER'S REPORT

### County Project Updates Pelham Water Tank

Mr. Howard stated that the painting had started on the water tank. After the primer coat is applied it will be sanded down. This will take place within the next two to three weeks.

### Tennis Courts

Mr. Howard stated that he had talked with the contractor working on the tennis courts and they had decided to wait until spring to finish the tennis courts. He also informed the Board that if they wanted the clay to be removed from the back right section it would cost around \$20,000. Mr. Howard informed the Board that he would like to get quotes from some other contractors on doing this job. His concern is that the clay may not dry out. Mr. Howard stated that he would bring information to the next meeting.

### Training Policy for EMS Personnel

Mr. Howard stated that some questions were asked about the EMS training at the last meeting. The county does not pay for the training or the tuition for the EMS personnel. The county has paid for the employees to be at the classes and for someone to cover the shift while the employee was at training. This practice has stopped.

Chairman Hall reiterated the county did pay for the employee to go to class and the county also paid for another employee to cover that person's shift. He asked what the rationale was for doing this. Mr. Howard responded that the thought process was to keep the county employees and when the budget is approved to move them into the paramedic positions. Chairman Hall asked if there were any employees in training now. Mr. Howard responded yes.

Commissioner Battle asked if the county was paying for the classes and if the county was paying for someone to cover their shift. Mr. Howard responded that the county was not paying for the classes and that the county was not paying the employees to go to classes any longer.

Commissioner Carter asked if the employee's salary was increased when they received their certification. Mr. Howard responded no. The only way an employee can get an increase in their salary is if a paramedic position is open.

### Wal-Mart Grand Opening

Mr. Howard informed the Board that Wal-Mart Express' preview night-invitation only would be December 13<sup>th</sup> at 7:00 and that the Grand Opening Ceremony would be held on December 14<sup>th</sup> at 8:00 a.m.

### 2012 Holiday Schedule

Mr. Howard stated that the 2012 Holiday Schedule in the packets is based on the schedule in the Personnel Policy.

Commissioner Satterfield moved, seconded by Commissioner Lucas to suspend the Rules of Procedure.

Chairman Hall asked for what purpose. Commissioner Satterfield responded that he would state his purpose if the motion passes.

Upon a vote of the motion, the motion failed by a vote of two to five with Commissioners Battle, Carter, Hall, Jefferies, and Travis voting no.

### ANNOUNCEMENTS

Commissioner Carter stated that the Board had heard from the School Board during Public Comments and he felt that the commissioners should revote on redistricting since two commissioners were not present when it was voted on.

Chairman Hall stated that the Employees' Appreciation Luncheon was very nice. He asked for a list of the committee members.

The clerk to the board informed the Board that she would be in school for the rest of the week. She also thanked the Board for their participation at the Appreciation Luncheon.

### CLOSED SESSION

Commissioner Battle moved, seconded by Commissioner Jefferies that the Board enter into Closed Session to discuss a potential economic development project (NCGS 143-318.11(a)(4)) and to invite Marvin Gaines, Willie Royal and Melissa Smith to take part in the Closed Session. The motion carried unanimously.

### REGULAR SESSION

Commissioner Jefferies moved, seconded by Commissioner Travis to resume regular session. The motion carried unanimously.

Chairman Hall stated that Commissioner Battle had asked him about the EMS employee's letter. Commissioner Battle asked if the employee was implying that no one saw the letter. Chairman Hall responded that this was what he had gathered. Chairman Hall stated that this would be discussed with the supervisor and the county manager as well as at the next meeting.

Chairman Hall stated that several months ago the Board had received a letter regarding a grant project. The Board asked to perform a review and Ms. Lucas had volunteered to help Mr. Hall with this project. The SBI was to perform an investigation as well. Chairman Hall stated that the Department of Commerce had called twice to follow up on the investigation. Chairman Hall stated that he spoke with Mr. McKoy on December 2<sup>nd</sup> and told him that it was on the agenda for December 5<sup>th</sup> for the Board to discuss how they want to proceed. The investigation is to check on the work that was performed on about six houses.

Commissioner Battle asked about the time frame of this investigation. Chairman Hall responded that it was due in September. He stated that he had sent a letter stating that it was being reviewed. When Chairman Hall learned that the SBI was involved in the investigation he wanted to wait to see what in the SBI's report before proceeding with the county's investigation.

Commissioner Lucas asked what specifically were they looking for. Chairman Hall responded that it was to ensure that all representations made to the Department of Commerce were correct. Commissioner Lucas asked if the investigation was to verify signatures. She also stated that she was not a handwriting analysis and was not comfortable performing this investigation. Chairman Hall asked the clerk to the board to pull a copy of the letter for everyone to read. Mr. Ferrell recommended taking the information to the homeowner's so they could verify their signatures. Commissioner Lucas added that she thought that it asked for the accuracy of the selection committee as well.

Chairman Hall stated that he told Mr. McKoy that the Board would meet again and that the Board would address the issue with the six families. Chairman Hall stated that it would be on the next agenda and that a copy of the letter would be included. The SBI is not going to release anything until they get a certification from this Board.

Commissioner Lucas asked if it would be feasible to turn this over to law enforcement. Chairman Hall responded that it may be a possibility. Mr. Ferrell added that the contractors are



only as good as their certification. He stated that we needed to require the contractors to certify to the county that they did what was required. He also stated that he would get with Kevin on this matter.

Commissioner Lucas asked Chairman Hall if he was waiting on the SBI report. Chairman Hall stated that he was. Commissioner Lucas asked if SBI had been to Caswell to investigate. Chairman Hall responded that he was not aware of them coming to Caswell.

Chairman Hall stated that this would be on the next agenda.

Chairman Hall asked Mr. Ferrell for an update on the LME. Mr. Ferrell stated that the merger process was still ongoing. He is in daily contact with the Alamance attorney. He felt there are two items that were waiting to be completed with this merger process.

- 1) Inter-local agreement
- 2) Merger

He continued by stating that this needed to be led by the Alamance County attorney. The Alamance County attorney needed to draft a series of merger documents. The Boards need to know where the assets rest. There have been a lot of conversations back and forth between the LME lawyer, the Alamance lawyer and Mr. Ferrell. He added that the LME that existed needed to wind down. There needed to be a public hearing and dissolution for this to take place. Alamance and Caswell are the first two counties to merge with PBH. There are others in line to merge with PBH. He added that there are still some kinks in the process but they are being worked out.

Commissioner Jefferies asked Mr. Ferrell if he was aware of a lawsuit. He continued by stating that Mr. Albright had gone into the LME building to secure some things. Commissioner Jefferies stated that he did not want to hear any more information so he left the LME meeting. Mr. Ferrell stated that there was some tension between the LME and the constituent counties. He added that he had heard that there were some alleged security breach of the LME's computer server. The LME still has one full time employee which will join PBH at some point. It was Alamance's understanding that the employee was no longer an employee of the LME so the county office was entered to unplug the server and to make sure that the doors were locked. There were some concerns at the LME level that there was a server intrusion. After this was done Alamance learned that the employee was still there. The LME feels there has been a breach, a HIPA violation. The LME was told to get a security expert to check the server. That is where Mr. Ferrell believes it is now. Caswell County does not have any control of the facility. The only directive Caswell has is to inventory the items there.

Chairman Hall stated that this goes back to no merger agreement being in place.

Chairman Hall asked the county manager to find out if the services had changed in Caswell since the merger, what were the services prior to October 1<sup>st</sup> and the services after October 1<sup>st</sup>.

Mr. Ferrell suggested that the Chair of this Board and the Chair of Alamance to get with PBH to work through things. Chairman Hall stated that he had spoken with the Chair of Alamance and

she was in agreement. Mr. Ferrell stated that this was on the radar at the NCACC. There was a committee formed to study this merger. Mr. Ferrell volunteered to be on this committee.

ADJOURNMENT

At 8:15 p.m. Commissioner Jefferies moved, seconded by Commissioner Travis to adjourn. The motion carried unanimously.

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Paula P. Seamster  
Clerk to the Board

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Nathaniel Hall  
Chairman

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